

DONALD J. QUERIO (State Bar No. 54367)
djqu@severson.com
EDWARD R. BUELL, III (State Bar No. 240494)
erb@severson.com
SEVERSON & WERSON
A Professional Corporation
One Embarcadero Center, Suite 2600
San Francisco, CA 94111
Telephone: (415) 398-3344
Facsimile: (415) 956-0439

Attorneys for Defendants
WELLS FARGO HOME MORTGAGE and
BANK OF AMERICA, N.A.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

ROBERT BONÉ and NANCY BONÉ,

Plaintiffs,

vs.

WELLS FARGO HOME MORTGAGE, a
division of Wells Fargo Bank, N.A., successor
by merger to Wells Fargo Home Mortgage,
Inc.; BANK OF AMERICA, N.A.; and DOES
1 through 30,,

Defendants.

Case No.: 4:10-cv-02011-PJH

**STIPULATION TO CONTINUE
HEARING DATE FOR DEFENDANTS'
MOTION TO DISMISS PLAINTIFFS'
FIRST AMENDED COMPLAINT AND
MOTION TO STRIKE PORTIONS OF
THE FIRST AMENDED COMPLAINT
[FRCP 12(B)(6) & FRCP 12(F)];
[PROPOSED] ORDER**

Req. Date: March 23, 2011

Current Date: February 16, 2011
Time: 9:00 a.m.
Dept.: Courtroom 3, 3rd Floor
Judge: Hon. Phyllis J. Hamilton
Comp. Date: April 6, 2010
Trial Date: TBD

///

///

///

///

///

///

1 Plaintiffs Robert Boné and Nancy Boné (“Plaintiffs”) and Defendants Wells Fargo Home
2 Mortgage, a division of Wells Fargo Bank, N.A., successor by merger to Wells Fargo Home
3 Mortgage, Inc. (“WFHM”) and Bank of America, N.A. (“BofA”) by and through their respective
4 counsel, hereby stipulate that the Motion to Dismiss and to Strike Portions of the First Amended
5 Complaint filed by Plaintiffs (the “Motion”) that is set to be heard on Wednesday, February 16,
6 2011, at 9:00 a.m. will be continued to Wednesday, March 23, 2011, at 9:00 a.m. or as soon
7 thereafter as the matter may be heard, in Courtroom 3, 3rd Floor of the above-entitled Court,
8 located at U.S. District Court, 1301 Clay Street, Oakland, CA 94612.

9 This stipulation is based upon the following showing of good cause:

10 **RECITALS**

11 1. After the Motion was filed, the Parties participated in an early settlement
12 conference (“ESC”) with Magistrate Donna M. Ryu on October 19, 2010 in an effort to resolve
13 the case. Though no settlement was reached at the ESC, the Parties have continued to work
14 together to try and resolve the case with the assistance of Judge Ryu.

15 2. The Parties have made significant progress towards resolution and would like to
16 continue their efforts to try and resolve this litigation without incurring additional and
17 unnecessary costs and expenses. To that end, the Parties have stipulated to continue the hearing
18 on the Motion to allow more time to try and resolve this matter without further costly litigation.

19 3. The continuance will not prejudice the Parties to this action.
20
21

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

STIPULATION

IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, as follows:

1. The Motion set for February 16, 2011 will be continued to Wednesday, March 23, 2011, at 9:00 a.m. or as soon thereafter as the matter may be heard, in Courtroom 3, 3rd Floor of the above-entitled Court, located at U.S. District Court, 1301 Clay Street, Oakland, CA 94612.

IT IS SO STIPULATED:

DATED: February 11, 2011

LAW OFFICES OF DAVID STURGEON-GARCIA

By: /s/ David Sturgeon-Garcia
DAVID STURGEON-GARCIA
Attorney for Plaintiffs
ROBERT and NANCY BONE

DATED: February 11, 2011

SEVERSON & WERSON
A Professional Corporation

By: /s/ Edward R. Buell III
EDWARD R. BUELL III
Attorneys for Defendant
WELLS FARGO HOME MORTGAGE
and BANK OF AMERICA, N.A.

ORDER

Pursuant to the stipulation of the parties and GOOD CAUSE APPEARING:

IT IS HEREBY ORDERED that the Motion to Dismiss and to Strike Portions of the First Amended Complaint set for hearing on February 16, 2011 is continued to Wednesday, March 23, 2011, at 9:00 a.m. in Courtroom 3, 3rd Floor of the above-entitled Court, located at U.S. District Court, 1301 Clay Street, Oakland, CA 94612.

DATED: 2/14/11

